

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GARY HUNTER, #135890,

Plaintiff,

v.

CIVIL NO. 5:09-CV-10299  
HONORABLE JOHN CORBETT O'MEARA

MICHIGAN DEPT. OF CORR., et al.,

Defendants.

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**ORDER DENYING PLAINTIFF'S LETTER REQUEST  
FOR WAIVER OF THE FILING FEE**

Before the Court is Plaintiff's letter request for a waiver of the \$350.00 filing fee for his civil rights action under 42 U.S.C. § 1983. The Court granted his application to proceed without prepayment of costs and fees, allowing him to pay the full filing fee in installments. The Court has since dismissed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A for failure to state a claim upon which relief may be granted and ruled that an appeal cannot be taken in good faith. Plaintiff seeks to relieve himself from payment of the \$350.00 filing fee until he has been released on parole due to limited prison funds.

Under the Prison Litigation Reform Act ("PLRA"), a prisoner who qualifies to proceed *in forma pauperis* in a civil rights action is still liable for the civil action filing fee and must pay the fee through partial payments as outlined in 28 U.S.C. § 1915(b). The PLRA does not allow any exemptions to the requirement that an indigent prisoner pay the filing fee over time, nor does it provide for a waiver or extended delay in paying the fee. *See, e.g., White v. Paskiewicz*, 89 F.

App'x 582, 584 (6th Cir. 2004) (citing *In re Prison Litigation Reform Act*, 105 F.3d 1131, 1133-34 (6th Cir.1997)); *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997)).

Plaintiff is liable for the full filing fee, to be paid in installments, even though he was granted *in forma pauperis* status and his complaint was dismissed. Plaintiff's letter request for a waiver is therefore **DENIED**.

**SO ORDERED.**

s/John Corbett O'Meara  
United States District Judge

Date: August 16, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 16, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager